

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01828-CKK**

BACARDI & COMPANY LIMITED et al v. U.S.
DEPARTMENT OF THE TREASURY et al
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 09/06/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

BACARDI & COMPANY LIMITED

represented by **Damon W. Suden**
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, NY 10178-0002
(212)808-7800
Fax: (212)808-7897
Email: dsuden@kelleydrye.com
ATTORNEY TO BE NOTICED

Joseph Dale Wilson , III
KELLEY DRYE & WARREN LLP
Washington Harbour
3050 K Street, NW
Suite 400
Washington, DC 20007
(202) 342-8400
Fax: (202) 342-8451
Email: jwilson@kelleydrye.com
ATTORNEY TO BE NOTICED

Mark R. Robeck
US Department of Energy
1000 Independence Ave. SW
Washington, DC 20585
202-586-6732
Email: markrrobeck@me.com
TERMINATED: 12/11/2018

Michael C. Lynch
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, NY 10178
(212) 808-5082
Fax: (212)808-7897
Email: mlynch@kelleydrye.com
ATTORNEY TO BE NOTICED

Plaintiff

BACARDI U.S.A., INC.

represented by **Damon W. Suden**
(See above for address)
ATTORNEY TO BE NOTICED

Joseph Dale Wilson , III
(See above for address)
ATTORNEY TO BE NOTICED

Mark R. Robeck
(See above for address)
TERMINATED: 12/11/2018

Michael C. Lynch

(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF THE
TREASURY**

represented by **Diana Viggiano Valdivia**
 U.S. ATTORNEY'S OFFICE/DISTRICT
 OF COLUMBIA
 555 4th Street, NW
 Washington, DC 20530
 (202) 252-2545
 Email: diana.valdivia@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2557
 Fax: (202) 252-2599
 Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Joshua L. Rogers
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2578
 Fax: (202) 252-2599
 Email: joshua.rogers3@usdoj.gov
TERMINATED: 02/21/2019

Defendant

**U.S. DEPARTMENT OF THE
TREASURY OFFICE OF FOREIGN
ASSETS CONTROL**

represented by **Diana Viggiano Valdivia**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
 (See above for address)
ATTORNEY TO BE NOTICED

Joshua L. Rogers
 (See above for address)
TERMINATED: 02/21/2019

Date Filed	#	Docket Text
09/06/2017	<u>1</u>	COMPLAINT <i>FOR INJUNCTIVE RELIEF</i> against U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL (Filing fee \$ 400 receipt number 0090-5104940) filed by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC.. (Attachments: # <u>1</u> Civil Cover Sheet)(Robeck, Mark) (Entered: 09/06/2017)
09/06/2017	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE <i>to Office of Foreign Assets Control, U.S. Department of the Treasury</i> filed by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC..(Robeck, Mark) (Entered: 09/06/2017)

09/06/2017	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE <i>to U.S. Department of the Treasury</i> filed by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC..(Robeck, Mark) (Entered: 09/06/2017)
09/06/2017	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE <i>to U.S. Attorney General</i> filed by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC..(Robeck, Mark) (Entered: 09/06/2017)
09/06/2017	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE <i>to U.S. Attorney for the District of Columbia</i> filed by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC..(Robeck, Mark) (Entered: 09/06/2017)
09/06/2017	<u>6</u>	REQUEST FOR SUMMONS TO ISSUE <i>to U.S. Attorney for the District of Columbia (corrected)</i> filed by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC..(Robeck, Mark) (Entered: 09/06/2017)
09/07/2017	<u>7</u>	ERRATA <i>COMPLAINT FOR INJUNCTIVE RELIEF</i> by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC. <u>1</u> Complaint, filed by BACARDI U.S.A., INC., BACARDI & COMPANY LIMITED. (Robeck, Mark) (Entered: 09/07/2017)
09/07/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (zsb) (Entered: 09/07/2017)
09/07/2017	<u>8</u>	SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 09/07/2017)
09/11/2017	<u>9</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 09/11/2017. (DM) (Entered: 09/11/2017)
09/13/2017	<u>10</u>	Corporate Disclosure Statement by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC.. (Robeck, Mark) (Entered: 09/13/2017)
09/13/2017	<u>11</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Michael C. Lynch, :Firm- Kelley Drye & Warren, :Address- 101 Park Avenue, New York, NY 10178. Phone No. - 212-808-7800. Fax No. - 212-8087897 Fee Status: No Fee Paid. by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC. (Attachments: # <u>1</u> Declaration Declaration of Michael C. Lynch, # <u>2</u> Text of Proposed Order)(Robeck, Mark) (Entered: 09/13/2017)
09/13/2017	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Damon W. Suden, :Firm- Kelley Drye & Warren, :Address- 101 Park Avenue, New York, NY 10178. Phone No. - 212-808-7800. Fax No. - 212-808-7897 Fee Status: No Fee Paid. by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC. (Attachments: # <u>1</u> Declaration Declaration of Damon W. Suden, # <u>2</u> Text of Proposed Order)(Robeck, Mark) (Entered: 09/13/2017)
09/22/2017	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/18/2017. (Robeck, Mark) (Entered: 09/22/2017)
09/22/2017	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/18/2017. Answer due for ALL FEDERAL DEFENDANTS by 10/18/2017. (Robeck, Mark) (Entered: 09/22/2017)
09/22/2017	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF THE TREASURY served on 9/18/2017 (Robeck, Mark) (Entered: 09/22/2017)
09/22/2017	<u>16</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL served on 9/18/2017 (Robeck, Mark) (Entered: 09/22/2017)
09/26/2017		Filing fees: \$ 100.00, receipt number 4616087319 and 4616087320 \$100.00 for the Motions to Appear Pro Hac Vice docket entry numbers <u>11</u> and <u>12</u> . (td) (Entered: 09/26/2017)

09/26/2017	<u>17</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of All Defendants (Rogers, Joshua) (Entered: 09/26/2017)
10/13/2017	<u>18</u>	MOTION for Extension of Time to File Answer <i>or Otherwise Respond</i> by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 10/13/2017)
10/16/2017		MINUTE ORDER: The Court is in receipt of Defendant's <u>18</u> Motion for Extension of Time to Respond, which seeks a 21-day extension of time for Defendant to respond to the complaint. Plaintiff consents to a 7-day extension, but not to a 21-day extension. For good cause shown, a 7-day extension is GRANTED, and Defendant's response to the complaint is due by OCTOBER 25, 2017. Plaintiff shall file a response by October 18, 2017 stating the factual and legal basis for its opposition. If no response is received by that date, the extension shall be automatically enlarged to 21-days, and Defendant's response to the complaint shall be due by NOVEMBER 8, 2017. Signed by Judge Colleen Kollar-Kotelly on 10/16/2017. (lcckk1) (Entered: 10/16/2017)
10/16/2017	<u>19</u>	RESPONSE re <u>18</u> MOTION for Extension of Time to File Answer <i>or Otherwise Respond</i> / <i>PLAINTIFFS OPPOSITION TO DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND</i> filed by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC.. (Robeck, Mark) (Entered: 10/16/2017)
10/24/2017		MINUTE ORDER. The Court has received the <u>11</u> Motion for Admission Pro Hac Vice of Attorney Michael C. Lynch. That Motion is GRANTED CONTINGENT on Mr. Lynch filing a declaration by October 30, 2017 certifying that he has reviewed and is familiar with the Local Rules of this Court. The Court has received the <u>12</u> Motion for Admission Pro Hac Vice of Attorney Damon Suden. That Motion is GRANTED CONTINGENT on Mr. Suden filing a declaration by October 30, 2017 certifying that he has reviewed and is familiar with the Local Rules of this Court. Signed by Judge Colleen Kollar-Kotelly on 10/24/2017. (lcckk1) Modified to add event title on 10/25/2017 (znmw). (Entered: 10/24/2017)
10/25/2017	<u>20</u>	ANSWER to Complaint by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL.(Rogers, Joshua) (Entered: 10/25/2017)
10/25/2017	<u>21</u>	NOTICE of Filing by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL re <u>20</u> Answer to Complaint (Attachments: # <u>1</u> Exhibit)(Rogers, Joshua) (Entered: 10/25/2017)
10/25/2017	<u>22</u>	AFFIDAVIT re Order on Motion for Leave to Appear Pro Hac Vice,,,,, / <i>DECLARATION OF MICHAEL C. LYNCH</i> by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC.. (Lynch, Michael) (Entered: 10/25/2017)
10/25/2017	<u>23</u>	AFFIDAVIT re Order on Motion for Leave to Appear Pro Hac Vice,,,,, / <i>DECLARATION OF DAMON W. SUDEN</i> by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC.. (Suden, Damon) (Entered: 10/25/2017)
10/31/2017	<u>24</u>	ORDER. The parties shall file the schedule not later than DECEMBER 4, 2017. Signed by Judge Colleen Kollar-Kotelly on October 31, 2017. (lcckk1) (Entered: 10/31/2017)
10/31/2017		Set/Reset Deadlines: Joint Status Report due by 12/4/2017. (dot) (Entered: 11/01/2017)
11/01/2017		Set/Reset Deadlines: Joint Status Report proposing a schedule due by 12/4/2017. (tb) (Entered: 11/01/2017)
12/04/2017	<u>25</u>	Joint STATUS REPORT by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC.. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – Proposed Order)(Suden, Damon) (Entered: 12/04/2017)
12/19/2017		MINUTE ORDER: The Court has received the parties' <u>25</u> Joint Status Report, which indicates that the parties have conferred and propose a schedule for production. The Court adopts this proposal with minor modifications. Defendant shall make monthly

		rolling productions to Plaintiff of responsive, non-exempt records by the fourth day of each month, beginning JANUARY 4, 2018 . Defendant has agreed to review approximately 350 pages per month. The parties shall continue to meet and confer regarding the rate of review, and if the parties are unable to agree on the discrete issue of the monthly rate of the production of records, the parties shall brief the Court as necessary. The parties shall file a Joint Status Report with the Court every 30 days, beginning JANUARY 9, 2018 , to apprise the Court of the status of Plaintiff's Freedom of Information Act Request, the total number of pages that were reviewed, how many pages were produced, and how many pages were withheld as exempt, if any. Within 30 days after the final production, the parties shall meet and confer and file a Joint Status Report identifying whether any further issues remain in the case and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on December 19, 2017. (lcckk1) (Entered: 12/19/2017)
12/20/2017		Set/Reset Deadlines: Defendant's document production due 1/4/2018; Joint Status Report due by 1/9/2018. (kt) (Entered: 12/20/2017)
01/09/2018	<u>26</u>	Joint STATUS REPORT by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC.. (Suden, Damon) (Entered: 01/09/2018)
02/08/2018	<u>27</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 02/08/2018)
03/12/2018	<u>28</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 03/12/2018)
04/10/2018	<u>29</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 04/10/2018)
05/10/2018	<u>30</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 05/10/2018)
06/08/2018	<u>31</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 06/08/2018)
07/11/2018	<u>32</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 07/11/2018)
08/10/2018	<u>33</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 08/10/2018)
09/04/2018	<u>34</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 09/04/2018)
10/09/2018	<u>35</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 10/09/2018)
11/08/2018	<u>36</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 11/08/2018)
12/10/2018	<u>37</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Rogers, Joshua) (Entered: 12/10/2018)
12/11/2018	<u>38</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joseph Dale Wilson, III on behalf of BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC. Substituting for attorney Mark R. Robeck (Attachments: # <u>1</u> Text of Proposed Order)(Wilson, Joseph) (Entered: 12/11/2018)

12/14/2018		MINUTE ORDER: The Court has received Plaintiffs' <u>38</u> Motion to Substitute Counsel, which seeks to withdraw Mark R. Robeck's appearance. Because the Motion also seeks to substitute the appearance of Joseph D. Wilson, and Plaintiffs will continue to be represented by Michael C. Lynch and Damon Suden, the Court shall GRANT the <u>38</u> Motion. Signed by Judge Colleen Kollar-Kotelly on December 14, 2018. (lcckk1) (Entered: 12/14/2018)
01/07/2019	<u>39</u>	MOTION to Stay by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/07/2019)
01/08/2019		MINUTE ORDER: The Court has received Defendants' <u>39</u> Motion for Stay of All Proceedings in Light of Lapse of Appropriations. Plaintiffs have indicated that they will not oppose this relief. Accordingly, in an exercise of the Court's discretion, the Court shall GRANT Defendants' <u>39</u> Motion. The Court shall STAY the rolling deadlines for Defendants' productions and the parties' Joint Status Reports. The next Joint Status Report was otherwise due on January 9, 2019. These deadlines are tolled commensurate with the length of the lapse of appropriations to the U.S. Department of Justice. The parties shall file a notice within two business days of the restoration of the U.S. Department of Justice's funding and the resumption of its operations. Once operations resume, the Court shall set a new date for rolling productions. Signed by Judge Colleen Kollar-Kotelly on January 8, 2019. (lcckk1) (Entered: 01/08/2019)
01/29/2019	<u>40</u>	NOTICE of Restored Funding by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL (Rogers, Joshua) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER: The Court has received Defendant's <u>40</u> Notice of Restored Government Funding. Accordingly, the Court hereby LIFTS the stay in this matter. Defendant shall make productions to Plaintiff by FEBRUARY 8, 2019, and the eighth day of each month thereafter, unless and until the Court orders otherwise. The parties shall submit Joint Status Reports by FEBRUARY 13, 2019, and the thirteenth day of each month thereafter, unless and until the Court orders otherwise. Except as modified here, the productions and Joint Status Reports should abide by the instructions in the Court's Minute Order of December 19, 2017. Within 30 days after the final production, the parties shall meet and confer and file a Joint Status Report identifying whether any further issues remain in the case and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on January 30, 2019. (lcckk1) (Entered: 01/30/2019)
02/13/2019	<u>41</u>	Joint STATUS REPORT re: <i>Defendant's production of materials responsive to Plaintiffs' request under the Freedom of Information Act</i> by BACARDI & COMPANY LIMITED, BACARDI U.S.A., INC.. (Suden, Damon) (Entered: 02/13/2019)
02/15/2019	<u>42</u>	Joint STATUS REPORT (<i>Amended</i>) by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Graham-Oliver, Heather) (Entered: 02/15/2019)
02/21/2019	<u>43</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Diana Viggiano Valdivia on behalf of All Defendants (Valdivia, Diana) (Entered: 02/21/2019)
03/13/2019	<u>44</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Valdivia, Diana) (Entered: 03/13/2019)
04/15/2019	<u>45</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE TREASURY OFFICE OF FOREIGN ASSETS CONTROL. (Valdivia, Diana) (Entered: 04/15/2019)